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WRITER'S DIRECT DIAL

June 28, 2006

VIA OVERNIGHT MAIL AND ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
9300 East Hampton Drive
Capitol Heights, MD 20743

**Re: KCAU-DT, Sioux City, Iowa
MB Docket No. 03-15
Request for Waiver of DTV Replication Deadline**

Dear Ms. Dortch:

On behalf of Citadel Communications Co. Ltd. ("Citadel"), permittee of Digital Television Station KCAU-DT, Channel 30, Sioux City, Iowa, this letter shall serve as Citadel's request for waiver of the Commission's "use-it-or-lose-it" replication deadline of July 1, 2006, in accordance with the Commission's June 14, 2006, Public Notice, DA 06-1255. *See also Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, FCC 04-192 (Rel. Sept. 7, 2004) ("*DTV R&O*"), at ¶¶ 83, 87.

As certified in its Form 381 filing, KCAU-DT intends to operate its post-transition DTV station based on its replication facility (767 kW and 616 meters HAAT), and KCAU-DT has a DTV construction permit in FCC File No. BMPCDT-20000428ABE (1000 kW and 564 meters HAAT). KCAU-DT is

presently operating its DTV facility pursuant to an STA in FCC File No. BDSTA-20020927ABS (2.7 kW and 31 meters HAAT) and has received a tentative DTV channel designation on a channel that is not its current DTV channel (Channel 9). As such, the Commission's "use-it-or-lose-it" replication deadline requires KCAU-DT to serve at least 80 percent of the number of viewers predicted to be served by its replication facility. See *DTV R&O*, at ¶ 78.

Due to circumstances beyond Citadel's control, Citadel is unable to complete construction of its replication facility, or otherwise satisfy the 80 percent threshold, by July 1, 2006. Citadel has been planning to construct its replication facility pursuant to the terms of its DTV construction permit in FCC File No. BMPCDT-20000428ABE (the "Construction Permit"). The Construction Permit specifies co-location of KCAU-DT's facilities on a tower registered to Pappas Telecasting of Sioux City ("Pappas") under FCC Registration No. 1058291 (the "Pappas Tower")¹. The Pappas Tower is ideally situated for co-location of all DTV stations in the market, and at present most of the DTV stations in the market have or are planning to operate from the Pappas Tower. In an effort to co-locate with the other DTV stations in the market, Citadel has diligently pursued a lease arrangement with Pappas. However, despite having negotiated a lease complete to resolution, on or before May 30, 2006, Pappas notified Citadel that it would not finalize the lease because, at the "eleventh hour," Pappas demanded further consideration for the lease than was previously negotiated. The "eleventh-hour" change in the consideration required by Pappas was commercially unreasonable and has effectively denied Citadel access to the Pappas Tower, which is peculiarly suitable for co-location of the DTV stations in the Sioux City market. See 47 C.F.R. § 73.635.

Because Citadel has effectively been denied access to the Pappas Tower, Citadel is now seeking permission to modify its current NTSC tower so as to support its DTV replication facility. Citadel's NTSC tower is jointly owned by Citadel and Quincy Newspapers, Inc. ("Quincy"). Pursuant to the Tower Operating Agreement between Citadel and Quincy, on June 8, 2006, Citadel gave Quincy notice of its desire to modify the tower for Citadel's DTV facility. As required by the Tower Operating Agreement, Quincy has until on or around August 7, 2006, to either consent to or object to Citadel's proposed modifications. If Quincy consents to Citadel's proposed modifications, given the limited availability of tower crews and the limited time remaining in the 2006 construction season, Citadel projects that it will be not be able to commence construction of its DTV replication facility on its NTSC tower until the beginning of the 2007 construction season. Citadel projects that construction of its DTV facility on its current NTSC tower will cost approximately \$1,525,000, compared to its approximate costs of \$1,150,000 for construction of its facilities on the Pappas Tower.

¹ Citadel believes this tower may have been assigned to Heartland Tower Company, L.L.C., in 2005, though it does not appear that an ownership change has been filed for FCC Registration No. 1058291. Another tower registration, under FCC Registration No. 1057963, has similar coordinates and is registered to Heartland Tower Company, L.L.C. In any event, Pappas has been Citadel's contact in connection with the tower as Citadel is informed that Pappas is the manager of the Heartland Tower Company site.

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June 28, 2006
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In addition to pursuing options on its current NTSC tower, Citadel is also pursuing all other available options that may result in accomplishing the construction of KCAU-DT's replication facility more quickly.

In the *DTV R&O*, the Commission stated that it "will establish a limited waiver process and grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause is shown." *DTV R&O*, at ¶ 87. Stations "that cannot build out for reasons beyond their control" may seek a waiver. *DTV R&O*, at ¶ 83. The instant case clearly presents a circumstance beyond Citadel's control, as Citadel has effectively been denied access to a tower site peculiarly suitable for co-location the DTV stations in the Sioux City market and is now, at the "eleventh hour," having to resort to a substantially more costly DTV build-out on its current NTSC tower.

Citadel is dedicated to digital television and will be able to complete installation of KCAU-DT's replication/allotted DTV facility and fully comply with the replication requirement once the circumstances described herein are resolved. Indeed, recently KCAU-DT has upgraded its digital facility so as to offer high definition programming, which is also available throughout the market on the primary cable system operated by Cable One. For the foregoing reasons, Citadel believes that a waiver of the Commission's use-it-or-lose-it replication deadline is warranted in this case and is necessary or otherwise in the public interest.

If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



Mark J. Prak
~~Counsel to~~ Citadel Communications Co. Ltd.

cc: Shaun Maher, FCC (via email)